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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER	
BRAHAN, T	
ART UNIT	PAPER NUMBER

3652

DATE MAILED: 02/01/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/187,358**

Applicant(s)  
**MAUER**

Examiner  
**Thomas J. Brahan**

Group Art Unit  
**3652**



☒ Responsive to communication(s) filed on Nov 13, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1, 2, and 7-26 is/are pending in the application.

Of the above, claim(s) 16-26 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1, 2, and 7-15 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on Nov 13, 2000 is ☒ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been  
☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

1. Newly submitted claims 16-26 are directed to inventions that are independent or distinct from the invention originally claimed. Claims 1-15 are drawn to the first invention (a conveyor with a catch element), claims 16-23 are drawn to a second invention (a conveyor with a pair of positioning elements), and claims 24-26 are drawn to a third invention (a conveyor with a split sleeve conveying duct). The inventions are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, each invention has separate utility as indicated by claims 16 and 24 which are evidence claims, as they do not rely on the specific structure of the catch element of claim 1 for patentability. See MPEP § 806.05(d). Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 16-26 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

2. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which applicant regards as his invention.

3. Claim 12 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear as to how applicant is considering the positioning segments (9 and 10) as having a form corresponding to cross-section of the feed duct. Feed duct has circular cross section with a T shaped passageway. The positioning segments have a completely different shape. Therefore the scope of the limitation "have a form substantially corresponding to the cross section of the feed duct" is unclear, and it is unclear as to what other structures would be readable on the limitation.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 7, 8, and 14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Brock. Brock shows a conveyor for elongate components designed with a head and a shank, with a feed arrangement for feeding the components in a prescribed direction, comprising a transfer arrangement with a transfer region in which a feed duct with a head guiding duct (between raceway 16 and sleeve 13) and a shank guiding duct (17) is in communication with a conveying duct (38) in which a component can be positioned, characterized by the transfer arrangement with which comprises:

- at least on catch element (r) having a first end portion and a second end portion spaced from the first end portion;

- the at least one catch element being mounted for movement;

- the at least one catch element extending along, and adjacent the head guiding duct generally in the prescribed direction of the feeding components; and

- a biasing element ( $r^2$ ) positioned to urge the catch element into the head guiding duct.

The catch element has locking faces (on 30 and 31) which limit the transfer region, as recited in claim 2. The catch element pivots as recited in claim 7. The spring acts as a compression spring and is located between the pivot and the first end of the catch, as recited in claim 8. A conveying duct is formed by a pair of conical blocks ( $w'$ ) with a biasing spring, as recited in claim 14.

6. Claims 1, 2, 9-13, and 15, as best understood, are rejected under 35 U.S.C. § 102(b) as being anticipated by Holbrook. Holbrook shows a conveyor for elongate components designed with a head and a shank, with a feed arrangement for feeding the components in a prescribed direction, comprising a transfer arrangement with a transfer region in which a feed duct with a head guiding duct (between raceway 16 and sleeve 13) and a shank guiding duct (17) is in communication with a conveying duct (38) in which a component can be positioned, characterized by the transfer arrangement with which comprises:

- at least on catch element (the reciprocating member with plates 30 and 31) having a first end portion and a second end portion spaced from the first end portion;

- the at least one catch element being mounted for movement;

- the at least one catch element extending along, and adjacent the head guiding duct generally in the prescribed direction of the feeding components; and

- a biasing element (63) positioned to urge the catch element into the head guiding duct.

The catch element has locking faces (on 30 and 31) which limit the transfer region, as recited in

claim 2. The transfer arrangement comprises two relatively displaceable segments (36) with a recess between them leading to the conveying duct (38), as recited in claim 9. The displaceable segments have biasing elements (39), as recited in claim 10. The form of these segments correspond to the feed duct, to the same degree as applicant's segments and feed duct, as claim 12 is best understood. The segments pivot, as recited in claim 11, and form an continuation of the feed duct, as recited in claim 13. A stop (64) is positioned to limit the positions of both end portions (30 and 31), as recited in claim 15.

7. Claims 1, 2, 7, and 14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Bracket. Bracket shows a conveyor for elongate components designed with a head and a shank, with a feed arrangement for feeding the components in a prescribed direction, comprising a transfer arrangement with a transfer region in which a feed duct with a head guiding duct (at 48) and a shank guiding duct (47) is in communication with a conveying duct (39, 39) in which a component can be positioned, characterized by the transfer arrangement with which comprises:

- at least on catch element (75) having a first end portion and a second end portion spaced from the first end portion;

- the at least one catch element being mounted for movement;

- the at least one catch element extending along, and adjacent the head guiding duct generally in the prescribed direction of the feeding components; and

- a biasing element (92) positioned to urge the catch element into the head guiding duct.

A face of the catch limits the transfer region, as recited in claim 2. The catch element pivots about an axis, as recited in claim 7. The conveying duct (39, 39) is formed by a split sleeve with first end portion adjacent the transfer region and a second end portion remote from the transfer region and at least one resilient element (40) arranged at the second end portion, as recited in claim 14. Note the term "end portion" is broad as to have it include a slightly larger area than the absolute end of the sleeve

8. Claims 1, 2, 7-10, and 15 are rejected under 35 U.S.C. § 102(b) as being anticipated by Schmidt et al. Schmidt et al shows a conveyor for fastener elements designed with a head and a shank, with a feed arrangement (28) with a transfer region having a catch element (106) and a biasing element (110) positioned to urge the catch element into a head guiding duct. The catch element extends along the head guiding duct in the direction of the travel of the feed arrangement even though the longitudinal axis of the

catch is perpendicular to the travel direction. A face of the catch limits the transfer region, as recited in claim 2. The catch element pivots about an axis (108) as recited in claim 7. The spring is a compression spring located between the pivot axis and the outer end of the catch, as recited in claim 8. The transfer area has a pair of positioning segments (122, 124) as recited in claim 9 and 10. The back end of the catch hits a stop wall to limit its movement, as recited in claim 15.

9. Claims 1, 2, 7, 9, and 11-13, as best understood, are rejected under 35 U.S.C. § 102(b) as being anticipated by Troske. Troske shows a conveyor for buttons designed with a head and a shank, with a feed arrangement with a transfer region having a catch element (48) and a biasing element (50) positioned to urge the catch element into a head guiding duct. The catch element extends along the head guiding duct in both directions of the travel of the feed arrangement. A face of the catch limits the transfer region, as recited in claim 2. The catch element pivots about an axis (48c) as recited in claim 7. Two relatively displaceable positioning elements (30, 35) define a recess through which the buttons pass when entering the conveying duct, as recited in claims 9 and 11. The form of these segments correspond to the feed duct, to the same degree as applicant's segments and feed duct, as claim 12 is best understood. The segments form a continuation of the feed duct, as recited in claim 13.

10. Claims 1, 2, and 14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Richards et al. Richard et al shows a conveyor for rivets designed with a head and a shank, with a feed arrangement with a transfer region having a catch element (see figure 2) and a biasing element (160) positioned to urge the catch element into a head guiding duct. A face of the catch limits the transfer region, as recited in claim 2. A conveying duct is formed as a conic split sleeve (see figure 10), as recited in claim 14.

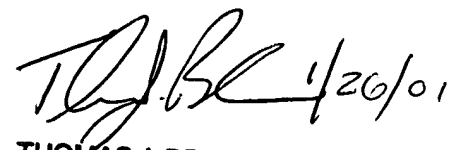
11. Claims 1, 2, 14, and 15 are rejected under 35 U.S.C. § 102(b) as being anticipated by Geldhof. Geldhof shows a conveyor for rivets designed with a head and a shank, with a feed arrangement with a transfer region having a catch element (33) and a biasing element (35) positioned to urge the catch element into a head guiding duct. A face of the catch limits the transfer region, as recited in claim 2. When retracted, piston rod (3) has conic a split sleeve (17) adjacent the transfer region with biasing means (18), as recited in claim 14. A second end (on 21) of the catch engages a stop (36) to limit the catch movement, as recited in claim 15.

12. Ackerman et al, Wolfertz, Geist et al, and Moorman are cited as showing conveyors with spring biased catch elements extending into the head guiding ducts. Willis et al, Taga, Goodsmith, and Stich show split sleeve conveying ducts. Rubin, Knetsch and Oehri et al show pivoting positioning segments at the end of the feed tube.

13. Applicant's arguments in the amendment filed November 13, 2000 have been considered, but are deemed moot in view of the above new rejections. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

14. An inquiry concerning this action should be directed to Examiner Thomas J. Brahan at telephone number (703) 308-2568 on Mondays through Thursdays from 8:30-6:00 EST. The examiner's supervisor, Ms. Eileen Lillis, can be reached at (703) 308-3248. The fax number for Technology Center 3600 is (703) 305-7687.

  
**THOMAS J. BRAHAN**  
**PRIMARY EXAMINER**